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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,917	10/16/2003	Eric J. Streciwilk	380-145	7482
1009	7590	10/19/2007		
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507			EXAMINER REDDING, DAVID A	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/686,917

Applicant(s)

STRECIWILK, ERIC J.

Examiner

David A. Redding

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2,5-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 4, are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,782,585 ('585).

The '585 patent discloses a housing (assembly of parts 28,60,24,74 (fig.4)), a nozzle inlet (27), a suction generator (described not shown), a dirt collection assembly (28) comprising an outer wall (36), an inner wall (46,50), a bottom wall (38), an inlet (32), an open end (opening between filter (72) housing and element (24)), manifold housing (74), a filter chamber (second stage filter 60) and filter element (72). The filter chamber 60 is considered to include a frustoconical air guide (62). The discharge opening for the air guides is the opening leading to the filter element (72) and the discharge passageway is considered to be proximate the are identified by (40).

Response to Arguments

Applicant argues that US patent to Conrad et al. fails to teach a frustoconical air guide held within the filter chamber. The examiner disagrees. Conrad et al. shows a second stage filtration chamber 60 which includes the entire upper half of the cleaner including the frustoconical air guides 62 as shown in figure 3. Applicant's argument concerning claim 2 is persuasive and the rejection withdrawn.

Regarding the rejection in view of Hansen et al. and Rench et al. applicant argues the following:

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The Hansen et al patent discloses a cyclone separator including a housing 12, a suction inlet 14 and a dirt collection assembly 550, 560. The dirt collection assembly has an outer wall 144, an inner wall 570, a bottom wall 582, an inlet 152, an opening 154, a manifold housing connected to the opening and a filter chamber with a filter element 572. Unlike the filter 72 in the Conrad et al reference discussed above, the filter element 572 is annular in shape. Significantly, the Examiner acknowledges that the Hansen et al reference does not show a frustoconical air guide as set forth in present claim 1. In an effort to provide this missing teaching, the Examiner relies on the Rench et al patent which discloses a frustoconical air guide 21 that concentrates clean air through the filter element 23.

Significantly, the Rench et al patent explicitly provides that the separator or air guide 21(a) "has a tangential air inlet 29 connected by a detachable hose 31 to a vacuum nozzle 33". In particular the Examiner's attention is directed to column 7, lines 15-16. If the air guide disclosed in Rench et al is to perform its proper function it must be directly connected to the tangential air inlet. In Hansen et al the air inlet 152 and the filter element 572 are both provided and held in the side wall 14.

In stark and total contrast to this structural arrangement, claim 1 of the present invention requires that the inlet 46 is provided in the dirt vessel 24 while the filter element 32 in the frustoconical air guide 62 are both provided in the filter chamber 56 that is separate from the dirt vessel 24. Accordingly, whether considered alone or in combination the Hansen et al and Rench et al patents fail to teach or suggest the claimed invention. Thus, claims 1, 2 and 4 should be formally allowed.

These arguments are persuasive and the rejection withdrawn.

Allowable Subject Matter

Claims 2, 5-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Information Disclosure Statement

Applicant did not provide copies of the foreign (JP) references listed on the PTO-Form #1449 received 9/28/06. Applicant is requested to provide those copies in order for the references to be properly considered.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ David Redding /
Primary Examiner
Art Unit 3723

DAR